

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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In re: : Case No. 20-51998-AMK
: :
GRANT THOMAS WILCOX, : Chapter 13
: :
: Judge Alan M. Koschik
Debtor. :
: :
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**MEMORANDUM IN SUPPORT OF CHAPTER 13 TRUSTEE’S
MOTION TO DISMISS**

Now comes Sara Butts f/k/a Sara Wilcox (“Butts”), by and through her undersigned counsel and hereby submits her Memorandum in Support of Chapter 13 Trustee’s Motion to Dismiss (Doc. No. 16) (the “Memorandum”). In support of her Memorandum, Butts states as follows:

1. Butts does not respond opposing the Trustee’s Motion. Butts simply seeks an order that the Debtor’s case be dismissed with prejudice. The facts of this matter support such a ruling.
2. The Debtor has sought protection from this Court twice in 2019: he reopened his chapter 7 Case No. 15-52614 on January 25, 2019 (the “Chapter 7”), and a prior chapter 13 Case No. 19-53018 filed on December 23, 2019 (the “Chapter 13”). Once the Debtor failed in his attempt to discharge the debts owed to Butts in the Chapter 7, he then filed the prior Chapter 13 to avoid the consequences of his actions in the Licking County Domestic Relations Court (the “DR

Court”). Evidence of that statement is that the Debtor was not eligible for a discharge in the Chapter 7 case and has not realistically sought to confirm a plan in the prior Chapter 13.

3. In the prior Chapter 13, the Debtor filed his adversary proceeding seeking a temporary restraining order against Butts, Herbert Baker, Esq., the DR Court, and the Licking County Sheriff. After obtaining relief from this Court, the Debtor proposed a patently unconfirmable plan, and never proceeded further in the adversary proceeding. Clearly, the Debtor obtained what he wanted with the Court’s order staying the DR Court and had no further need for bankruptcy relief. The Debtor’s prior chapter 13 case was dismissed with prejudice on March 23, 2020, (Doc. No. 38) and the case was closed on May 19, 2020, (Doc No. 48). The Debtor was prohibited from filing another bankruptcy case for 180 days.

4. 225 days later the Debtor filed the instant chapter 13 case through counsel. The Debtor has failed to act in good faith in the instant chapter 13 case by failing to appear at his meeting of creditors twice. And now his counsel has sought to withdraw (Doc. No. 17).

5. Courts may order dismissals of chapter 13 cases with prejudice if it appears the Debtor has abused the bankruptcy process. See In re Gilley, 125 B.R. 1890 (Bank. N.D. Ohio 1991). Based upon the Debtor’s conduct, now in 3 bankruptcy cases within the last 18 months, he is clearly abusing of the bankruptcy process and his case should be dismissed with prejudice. Further, 180 days was clearly not enough of a deterrent for the Debtor to use good faith in the bankruptcy process. The Debtor should be barred from filing any bankruptcy case pro se and should be barred from filing a bankruptcy case through counsel for at least one year.

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WHEREFORE, Sara Butts, f/k/a Sara Wilcox respectfully requests that the Court dismiss the Debtor's case with prejudice and grant any other and further relief that the Court deems just and proper.

Respectfully submitted,

/s/ Anthony J. DeGirolamo

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COUNSEL FOR SARA BUTTS

f/k/a SARA WILCOX

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2020, a copy of the foregoing Memorandum was electronically transmitted via the Court's CM/ECF system to those listed on the Court's Electronic Mail Notice list:

- Keith Rucinski efilings@ch13akron.com
- United States Trustee (Registered address)@usdoj.gov
- Peter G. Tsarnas ptsarnas@gertzrosen.com,
tsarnasp@hotmail.com;dmichna@gertzrosen.com

/s/ Anthony J. DeGirolamo
Anthony J. DeGirolamo

The undersigned hereby certifies that a copy of the foregoing Memorandum was served regular U.S. Mail, postage prepaid, upon those listed below, this 21st day of December, 2020.

/s/ Anthony J. DeGirolamo
Anthony J. DeGirolamo

Grant T. Wilcox
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Winham, Ohio 44288